

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:17-cr-0229-SEB-DML
)	
BRYAN TOMEY,)	
)	
Defendant.)	

- 01

REPORT AND RECOMMENDATION

On March 2, and June 28, 2021, the Court held hearings on the Petitions for Warrant or Summons for Offender Under Supervision filed on February 5, and June 10, 2021. Defendant appeared in person with his appointed counsel Jessie Cook. The government appeared by Will McCoskey, Assistant United States Attorney, for Jeff Preston, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Jennifer Considine.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Tomey of his rights and provided him with a copy of the petitions. Defendant Tomey orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Tomey admitted violation numbers 2, and 3. [Docket No. 52.] Government orally moved to dismiss violations 1, 4 and 5 which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 2 **“You shall not knowingly leave the judicial district without the permission of the court or probation officer.”**

On January 29, 2021, Mr. Tomey was arrested in Madison County, Ohio, by the Ohio State Highway Patrol. Mr. Tomey did not receive permission to travel to the State of Ohio from this officer.

- 3 **“You must refrain from any unlawful use of a controlled substance.”**

On February 4, 2021, prior to submitting to a urinalysis, Mr. Tomey admitted to the use of marijuana.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 8 to 14 months’ imprisonment.

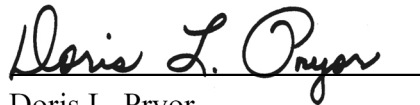
5. The parties jointly recommended a sentence of ten (10) months with no supervised release to follow. The parties jointly requested placement at the Volunteers of America, Evansville, Indiana.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of ten (10) months with no supervised release to follow/with supervised release to follow. The Magistrate Judge will make a recommendation of

placement at the Volunteers of America, Evansville, Indiana. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 6/29/2021

A handwritten signature in black ink, reading "Doris L. Pryor", is written over a horizontal line.

Doris L. Pryor
United States Magistrate Judge
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system